

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7633 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE Sd/-

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? Yes
2. To be referred to the Reporter or not? No

respect to permanency is pending before the Industrial Tribunal which is also stated in paragraph 5.

3. In the facts of this case, since nothing is being stated on behalf of the respondent although the matter has been pending for more than ten months, it is just and proper to pass appropriate orders. Mr. Patel has no objection if the petition is disposed of. In the circumstances, Rule is issued on the petition and the same is made returnable forthwith. The material on record is as stated above. All the learned Counsel have been heard. Mr. Patel has stated that, in view of the Administrator coming over, there are some difficulties in the functioning of Respondent No.1. That is a matter of their internal look-out. Though the Administrator is joined, he has not filed any reply. In paragraph 5 of the petition, it is specifically averred that no notice was given to the petitioners as required under Section 25-F of the Industrial Disputes Act.

4. In the light of what is stated above, Rule is made absolute and the oral terminations of the petitioners are set aside. The Respondents are directed to reinstate them as daily wagers on the same conditions of service on which they were working earlier. The petitioners will not be entitled to any higher status and Mrs. Shah has also not been asking for anything more through this petition. The contention with respect to permanency will be considered in the Industrial Tribunal. With respect to back-wages, the petitioners may avail of any other remedy, if available to them. The petitioner will be reinstated on or before 01.10.1998.

5. Rule is made absolute accordingly with no order as to costs.

(KMG Thilake)

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